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NEWS RELEASE

FOR IMMEDIATE RELEASE: August 12, 2008

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U.S. COURT OF APPEALS RULES IN CITY'S FAVOR; ALLOWS CASE TO PROCEED AGAINST PETROLEUM PIPELINE COMPANY THAT CONTAMINATED PROPERTY AND DAMAGED WATER SUPPLY NEAR QUALCOMM STADIUM

San Diego, CA—In a favorable ruling for the City of San Diego, the United States Court of Appeals for the Ninth Circuit ruled today that the City may hire outside counsel on a contingency fee basis to assist with a lawsuit against a petroleum pipeline company that allegedly is responsible for contaminating the groundwater in and around Qualcomm Stadium.

“This is a major victory,” said City Attorney Michael Aguirre. “It puts us a step closer to having more clean water for the City of San Diego.”

The ruling clears the way for the City Attorney's Office to proceed to trial against Kinder Morgan Energy Partners, L.P., one of the largest pipeline transporters in the country, which owns and operates a gasoline tank farm adjacent to Qualcomm Stadium. The complaint seeks to require that Kinder Morgan clean up the contamination of the property and the groundwater beneath the land.

Kinder Morgan had challenged the City's hiring of the law firm of TatroTekosky Sadwick L.L.P., claiming that a municipality may not hire private counsel on a contingent fee basis to bring a public nuisance abatement action.

According to Executive Assistant City Attorney Don McGrath, a ruling against the City would have delayed the City's lawsuit and the potential for a new source of clean water for at least two years.

The Court's ruling can be viewed by visiting www.sandiegocityattorney.org, click “Significant Reports and Legal Documents.”

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